

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

v.

NORTHWEST TERRITORIAL MINT,  
LLC,

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Charging Party Patricia Hoffman and other aggrieved female employees, including Jennifer Gue and Lauren Bailie, who were adversely affected by such practices. Plaintiff United States Equal Employment Opportunity Commission ("Plaintiff," "the Commission," or "the EEOC") alleges that Defendant Northwest Territorial Mint, LLC ("Defendant") subjected Hoffman, Gue, Bailie, and other aggrieved female employees to sexual harassment, including a hostile work environment based on their sex, female, and subjected Hoffman to constructive discharge. Plaintiff seeks monetary and injunctive relief for Hoffman, Gue, Bailie, and any other aggrieved female employees who may be identified during litigation, including pecuniary damages, nonpecuniary compensatory damages, punitive damages, back pay, prejudgment interest, and front pay for Hoffman in lieu of reinstatement.

JURISDICTION AND VENUE

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3 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
4 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of  
5 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title  
6 VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

7 2. The employment practices alleged to be unlawful were committed within the  
8 jurisdiction of the United States District Court for the Western District of Washington.  
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PARTIES

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11 3. Plaintiff is the agency of the United States of America charged with the  
12 administration, interpretation and enforcement of Title VII, and is expressly authorized to bring  
13 this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and 3, and  
14 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

15 4. At all relevant times, Defendant has been a corporation continuously doing  
16 business in the State of Washington and employing at least fifteen (15) employees.  
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18 5. At all relevant times, Defendant has continuously been an employer engaged in an  
19 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42  
20 U.S.C. §§ 2000e-(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

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22 6. More than thirty (30) days prior to the institution of this lawsuit, Hoffman filed  
23 Charge No. 551-2014-01329 with the EEOC alleging violations of Title VII by Defendant. On  
24 July 3, 2015, the Commission issued to Defendant a Letter of Determination as to the above  
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charge finding reasonable cause to believe that Title VII was violated with regard to Hoffman, Gue, Bailie, and “similarly situated” aggrieved female employees, and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and to provide appropriate relief. The Commission engaged in communications with Defendant to provide Defendant the opportunity to remedy the discriminatory practices described in the Letter of Determination. The Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission. On August 31, 2015, the Commission issued to Defendant a Notice of Failure of Conciliation, and mailed and emailed such Notice to Defendant on September 10, 2015. All conditions precedent to the initiation of this lawsuit have been fulfilled.

#### STATEMENT OF CLAIMS

7. Defendant employed Hoffman, a white female, as a Receptionist from approximately August 2013 to June 2014, Gue, a white female, as a Warehouse Manager from approximately January 2008 to September 2014, and Bailie, a white female, as a Lead Generation Specialist from approximately March to October 2014.

8. Since at least September 2013, Defendant has engaged in unlawful employment practices because of sex at or near its facility in or near Federal Way, Washington, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by subjecting Hoffman, Gue, Bailie, and other aggrieved female employees to a hostile work environment based on their sex, female, and by subjecting Hoffman to constructive discharge.

Claims for Relief on behalf of Hoffman, Gue, Bailie, and other aggrieved female employees for Sexual Harassment in Violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a)

9. Beginning in or prior to September 2013, Ross Hansen, a white male and the owner, President, and CEO of Defendant, subjected Hoffman, Gue, Bailie, and other aggrieved female employees to offensive and unwelcome conduct including:

a. Making lewd sexual comments, telling obscene jokes, using derogatory terms such as “bitch” and “cunt,” remarking on breast sizes and body shapes, asking questions about intimate matters, poking their bodies, touching their breasts, referring to them as “pussies,” “fucking morons,” “fucking idiots,” bullying them, and/or screaming at them;

b. Holding up one of his pet male dogs so that Hoffman could see the dog’s protruding penis, placing the dog on her desk, pulling the dog along her desk’s top, and causing the dog to leave a trail of discharge on desk’s top;

c. Referring to Gue as a “cunt,” “fucking bitch” and “fat cow”;

d. Asking Bailie if she were planning to get pregnant and if she would sleep with men of other races.

10. Defendant’s sexual harassment policy, which is included in a handbook given to new employees, provided that if the employee is being harassed by his or her supervisor, or is dissatisfied with the supervisor’s response to the employee’s complaint of sexual harassment, then the employee should contact the Controller or the President. Hansen is the President and there has not been anyone in the Controller position for at least two years. The policy does not state how to report or address harassment committed by the President. Defendant also provided little or no training on the policy.

1           11. Hoffman reported Hansen's offensive and unwelcome sexual conduct on more  
2 than one occasion to her supervisor, who told Hoffman that there was nothing she could do.  
3 Defendant failed to take prompt or appropriate corrective action to prevent or remedy the hostile  
4 work environment caused by Hansen's offensive and unwelcome sexual conduct toward  
5 Hoffman, Gue, Bailie, and other aggrieved female employees.

6                   **Claim for Relief on behalf of Hoffman for Constructive Discharge**  
7                   **in Violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a)**

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9           12. During Hoffman's employment she was routinely subjected to ongoing sexual  
10 harassment, screaming and bullying without respite, and without any corrective action taken to  
11 cease the unlawful conduct. On or about June 11, 2014, following yet another screaming incident  
12 against her by Hansen, Hoffman became extremely anxious and distraught, and was facing  
13 conditions so intolerable that she was forced to resign.

14           13. The effect of Defendant's practices complained of in paragraphs 7-12 above has  
15 been to deprive Hoffman, Gue, Bailie, and other aggrieved female employees of equal  
16 employment opportunities because of their sex, female.

17           14. The unlawful employment practices complained of in paragraphs 7-12 above were  
18 intentional.

19           15. The unlawful employment practices complained of in paragraphs 7-12 above were  
20 done with malice or with reckless indifference to the federally protected rights of Hoffman, Gue,  
21 Bailie, and other aggrieved female employees.  
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PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant and/or its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex and/or are in retaliation for the protected activities of applicants, employees, or those closely associated with such applicants or employees.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make Hoffman whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and/or other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices described in paragraphs 7-12 above including, but not limited to, front pay compensation for Hoffman in lieu of reinstatement in an amount to be determined at trial.

D. Order Defendant to make each individual whole, including any aggrieved female employees identified during litigation, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7-12 above, as appropriate, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order Defendant to make each individual whole including any aggrieved female employees identified during litigation, by providing compensation for past and future

1 nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7-12  
2 above, including without limitation compensation for emotional pain, suffering, and loss of  
3 enjoyment of life, in amounts to be determined at trial.

4 F. Order Defendant to pay each individual, including any aggrieved female  
5 employees identified during litigation, punitive damages for its malicious and reckless conduct  
6 described in paragraphs 7-12 above, in amounts to be determined at trial.

7 G. Grant such further relief as the Court deems necessary and proper in the public  
8 interest.  
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10 H. Award the EEOC its costs of this action.

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JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

DATED this 30th day of September, 2015.

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